IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3074 of 2004

Between:

Smt.Nizampeta Sunitha, W/o.Mohan, Chairman, School Education Committee, Government High School for Girls, Karimnagar.

..... PETITIONER

AND

1 College Development Committee, Government Junior College for Girls, Karimnagar, Rep. by its President.
2 The District Collector, Karimnagar District, Karimnagar.
3 The Commissioner/Director of Intermediate Education, Andhra Pradesh, Hyderabad.
4 The Commissioner, Karimnagar Municipality, Karimnagar.
5 The Principal, Government Junior College for Girls, Karimnagar.
6 The Superintendent Engineer, Panchayat Raj, Karimnagar.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in deciding to construct multi-storied commercial shopping complex in the small piece of area where 3453 (Three thousand four hundred fifty three) girl students are studying and the proceedings NO.E4/5461/2003 dated 20-9-2003 issued by 2nd respondent in according permission for construction of shopping complex within the premises of the Government Junior Collegte for Girls, Karimnagar and consequential proceedings No.AE2/1838/03 of the Superintendent Engineer, P.R.Circle, Karimnagar as illegal, arbitrary, unconstitutional and violative of Article 14, 16, 21 of the Constitution of India and against the interest of the girl students and consequently set aside the proceedings No.E4/5461/2003 dated 20-9-2003 and proceedings No.AE2/1838/2003 of the Superintendent Engineer.

For the Petitioner : MR.K.RAMAKANTH REDDY, ADVOCATE

For the Respondent No.1: A. Sudershan Reddy

For the Respondents Nos.2, 3 and 5: The Government Pleader for Higher Education

For the Respondent 4 : Mr. R.Thimma Reddy, S.C. for Municipality

For the Respondent No. 6: The Government Pleader for Panchayat Raj

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

In this petition filed as Public Interest Litigation, petitioner challenges the action of the respondents in deciding to construct multi-storied commercial shopping complex in a small piece of area where it was alleged that 3453 girl students were studying. She also challenges the impugned proceedings dated 20.9.2003 issued by the 2nd respondent and subsequent proceedings issued on behalf of the respondents.

In the counter affidavit, the College Development Committee defended its action in carrying out construction. But, in the counter affidavit filed on behalf of the 3rd respondent, it is stated that the Principal did not obtain prior permission from the competent authority for cutting the trees and for raising up of construction and that the College Development Committee acted contrary to the guidelines contained in its proceedings dated 19.10.2001.

Learned counsel for the 1st respondent submits that before the Director of Intermediate Education proper facts were not placed, which led to confusion and that made the Director of Intermediate Education in arriving at a conclusion that the College Development Committee acted contrary to the guidelines.

In such like matters, which concerns educational institutions, the paramount consideration is welfare of students and the College Development Committee alone cannot take decision in such like matters. The Director of Intermediate Education is the appropriate authority over which the welfare of educational institutions rests.

For that reason, we allow the writ petition with a direction that the proposed

construction will not be carried out unless the proposal is got approved by express orders to be passed by the Director of Intermediate Education, Hyderbad. It would be for the Director of Intermediate Education to hear the respondents who may project their case before him and then the Director of Intermediate Education, Hyderabad shall pass orders in accordance with law.

The writ petition is accordingly allowed. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Pnb

To

1. The President, College Development Committee, Government Junior College for Girls, Karimnagar.

2 The District Collector, Karimnagar District, Karimnagar.

3. The Commissioner/Director of Intermediate Education, Andhra Pradesh, Hyderabad.

4 The Commissioner, Karimnagar Municipality, Karimnagar.

5 The Principal, Government Junior College for Girls, Karimnagar.

6 The Superintendent Engineer, Panchayat Raj, Karimnagar.

7. Two CCs to the Government Pleader for Higher Education, High Court Buildings, Hyderabad.(OUT)

8. 2 CCs to the Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad(OUT)

9. 2 CD copies